

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6833 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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EXEL INDUSTRIES LIMITED

Versus

RAGHUBHAI OGHADBHAI GAMARA

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Appearance:

MR MANISH R BHATT for Petitioner

MR TR MISHRA for Respondent No. 1

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CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 09/10/97

ORAL JUDGEMENT

Heard Mr.R.P.Bhatt, Senior Advocate for Mr. M.R.Bhatt for the petitioner and Mr. Mishra for the respondents. Rule on the petition. Mr. Mishra waives the service of Rule. By consent, Rule is made returnable forth with. Without going into merits of the case, both the learned advocates, on instructions from their clients, have agreed that the impugned interim order be set aside and the same is hereby quashed and set aside.

Main complaint is pending before the Industrial Tribunal. The Tribunal will proceed to decide the matter on its merit after hearing both the parties.

2. Mr. Bhatt has made a statement that as soon as their requirement is over, the petitioner will endeavour to send back the respondent to Bhavnagar. He also states that in any case, this period will not spill over beyond three months i.e. beyond Monday, 12th January, 1998. The respondent will join at Dhak on Monday, 13th October, 1997. The petitioner will permit the respondent to visit Bhavnagar every week-end, (if he wants), at the petitioner's expenses. The respondent will be allowed to have weekly off as provided by law every week. The petition is disposed of accordingly. The respondent would like to spend his weekly off in Bhavnagar. The petitioner will arrange his work on the day prior to weekly off and the day subsequent to weekly off in such a way that if he is visiting Bhavnagar, he will have a clear-day in Bhavnagar as the weekly off day, and on that day, he will not be required to travel either to or from Bhavnagar. Rule is made absolute accordingly, with no order as to costs.

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(ccs)